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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/375,045    08/16/99    MURJI    Z    CAN-117

QM12/1107

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EXAMINER

SHANOSKI, P

ART UNIT

PAPER NUMBER

3761

DATE MAILED:

11/07/00

5

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/375,045

Applicant(s)

MURJI, ZULFICAR

Examiner

Paul A Shanoski

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-12, and 14-22 rejected under 35 U.S.C. 102(b) as being anticipated by Buell (5,197,959).

Buell teaches a sanitary napkin having a main body with a longitudinal axis, two opposing longitudinal side areas, and a central region between these side areas (column 5, lines 25-30 and Fig. 1). The claims describe various “preferential bending zone(s)”. As Applicant has not set forth a structural limitation as to these preferential bending zones, and during examination the claims are given their broadest reasonable interpretation, Buell anticipates these claims. The article of Buell is certainly bendable, and the term “preferential” is interpreted as positioning the location of the bending moment as wherever the bender chooses.

Regarding claim 5, all materials will resist lateral compression to a certain degree.

Regarding claim 7, see column 26, lines 39-42.

Regarding claims 8 and 19, see column 24, lines 3-5.

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Regarding claims 9 and 20, see Fig. 6 (ref. no. 23 is the hinge, and ref. no. 16 denotes the body facing surface).

Regarding claims 10-11 and 21-22, see column 21, lines 59-64. Applicant will note that the release paper taught by Buell comprises a flap.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buell.

Buell discloses the claimed invention except for the particulars of the thickness of the napkin as claimed in claims 2 and 13. It would have been an obvious matter of design choice to add the particulars of the thickness limitation, since applicant has not disclosed that the particulars solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a different thickness.

Whether the thickness solves any particular problem or produces any unexpected result, I must conclude that the choice is merely a matter of engineering design choice and routine optimization, and thus does not serve to patentably distinguish the claimed invention over the prior art.

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**Conclusion**

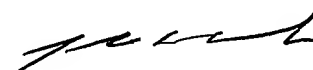
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Baharav (5,127,911); Lassen et al. (4,743,245, 4,631,062, and; 4,846,824); Ulman (4,678,527); Johnson et al. (4,595,392); Jacks (2,662,527), and; Rosenbluth et al. (5,336,208).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Shanoski whose telephone number is (703) 305-0560. The examiner can normally be reached on M-F, 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

  
Paul Shanoski  
October 31, 2000

  
John G. Weiss  
Supervisory Patent Examiner  
Group 3700